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1 **DIAMOND MCCARTHY LLP**

2 909 Fannin, Suite 1500
3 Houston, Texas 77010
4 Telephone (713) 333-5100
5 Facsimile (713) 333-5199

6 Allan B. Diamond, TX State Bar No. 05801800
7 Email: adiamond@diamondmccarthy.com
8 Eric D. Madden, TX State Bar No. 24013079
9 Email: emadden@diamondmccarthy.com

10 Special Litigation Counsel for USACM Liquidating Trust

11 **LEWIS AND ROCA LLP**

12 3993 Howard Hughes Parkway, Suite 600
13 Las Vegas, NV 89169-5996
14 Telephone (702) 949-8320
15 Facsimile (702) 949-8321

16 Susan M. Freeman, AZ State Bar No. 004199
17 Email: sfreeman@lrlaw.com
18 Rob Charles, NV State Bar No. 006593
19 Email: rcharles@lrlaw.com

20 Counsel for USACM Liquidating Trust

21 **UNITED STATES BANKRUPTCY COURT**
22 **DISTRICT OF NEVADA**

23 In re:

24 USA COMMERCIAL MORTGAGE
25 COMPANY,

26 USA CAPITAL REALTY ADVISORS,
27 LLC,

28 USA CAPITAL DIVERSIFIED TRUST
29 DEED FUND, LLC,

30 USA CAPITAL FIRST TRUST DEED
31 FUND, LLC,

32 USA SECURITIES, LLC, Debtors.

33 Affects:

- 34 All Debtors
35 USA Commercial Mortgage Company
36 USA Capital Realty Advisors, LLC
37 USA Capital Diversified Trust Deed Fund, LLC
38 USA Capital First Trust Deed Fund, LLC
39 USA Securities, LLC

40 Case No. BK-S-06-10725-LBR
41 Case No. BK-S-06-10726-LBR
42 Case No. BK-S-06-10727-LBR
43 Case No. BK-S-06-10728-LBR
44 Case No. BK-S-06-10729-LBR

45 CHAPTER 11

46 Jointly Administered Under Case No.
47 BK-S-06-10725 LBR

48 **MOTION FOR ORDER REQUIRING**
49 **VANDERPOOL, FROSTICK &**
50 **NISHANIAN, P.C. TO PRODUCE**
51 **ONE OR MORE**
52 **REPRESENTATIVES FOR**
53 **EXAMINATION PURSUANT TO**
54 **FEDERAL RULE OF**
55 **BANKRUPTCY PROCEDURE 2004**

56 [No hearing required]

57 Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating
58 Trust (the "Trust" or "Movant") hereby moves this Court for an order requiring
59 Vanderpool, Frostick & Nishanian, P.C. ("Vanderpool) to produce one or more
60 representatives, as set forth in the subpoena to be issued under Federal Rule of Bankruptcy

1 Procedure 9016, to appear for examination at the office of Merrill Legal Solutions, 1100
2 Connecticut Avenue N.W., Suite 850, Washington, D.C. 20036, on a business day no
3 earlier than ten (10) business days after the filing of this Motion and no later than
4 September 30, 2007, or at such other mutually agreeable location, date, and time, and
5 continuing from day to day thereafter until completed.

6
7 This Motion is further explained in the following Memorandum.
8

9
Memorandum

10 The Movant seeks information concerning various transactions between
11 Vanderpool and USACM, the other debtors in the above-captioned cases (together with
12 USACM, the “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or otherwise
13 related entities. The Movant seeks this information to assist in the collection of the assets
14 and the investigation of the liabilities of the Debtors.
15

16 The requested discovery from Vanderpool is well within the scope of examination
17 permitted under Bankruptcy Rule 2004, which includes:

18 [t]he acts, conduct, or property or . . . the liabilities and financial condition
19 of the debtor, or . . . any matter which may affect the administration of the
20 debtor’s estate, or to the debtor’s right to a discharge. In a . . .
21 reorganization case under chapter 11 of the Code, . . . the examination may
22 also relate to the operation of any business and the desirability of its
continuance, the source of any money or property acquired or to be acquired
by the debtor for purposes of consummating a plan and the consideration
given or offered therefore, and any other matter relevant to the case or to the
formulation of a plan.
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¹ FED.R. BANKR. P. 2004(b).

Conclusion

Accordingly, the Movant requests that this Court enter the form of order submitted with this Motion.

Dated: August 17, 2007.

DIAMOND MCCARTHY LLP

LEWIS AND ROCA LLP

By: /s/ Eric D. Madden
Allan B. Diamond, TX 05801800 (pro hac vice)
Eric D. Madden, TX 24013079 (pro hac vice)
909 Fannin, Suite 1500
Houston, Texas 77010
(713) 333-5100 (telephone)
(713) 333-5199 (facsimile)

By: /s/ Rob Charles
Susan M. Freeman, AZ 4199 (pro hac vice)
Rob Charles, NV 6593
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169-5996
(702) 949-8320 (telephone)
(702) 949-8321 (facsimile)

*Special Litigation Counsel for
USACM Liquidating Trust*

Counsel for USACM Liquidating Trust